

APPROVED: Meeting No. 03-90

ATTEST: *Sharon Gran*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 01-90

January 8, 1990

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on January 8, 1990, at 7:35 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Viola D. Hovsepien

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. The City's 1990 pocket calendars which provide City meeting dates and historical information are now available for distribution on a limited basis. Copies have been sent to members of the City's boards and commissions as well as civic association officers.

2. The departmental FY1991 budget requests are due in the City Manager's office on Wednesday, January 10. Various outside agencies who have expressed interest in funding have been notified by letter to submit their requests by February 9 so that staff will have ample time to evaluate the proposals. Application materials are available to any interested outside agencies through the City Manager's Office.

3. In order to provide an informational opportunity for property owners along West Montgomery Avenue, 85 letters have been sent to owners affected by the project,

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notifying them of a meeting to be held on Thursday, January 11. Staff will advise the property owners regarding the various right-of-way agreements.

Councilmember Hovsepian commented that at the time of discussions regarding West Montgomery Avenue and installation of brick sidewalks, she suggested that homeowners who wished to replace the brick sidewalks leading to their homes be advised that they could have the work done in conjunction with the City's project. The City Manager agreed that this is an appropriate topic to bring up at Thursday night's meeting.

Re: Recognition of Wootton High School Volleyball Team, Maryland AAAA State Champions for the Seventh Consecutive Year

Re: Presentation of certificates to player-members of the Pee Wee and Junior Division Teams in the Rockville Football League

Due to inclement weather, these items were deferred to the meeting of January 22, 1990.

Re: Appointments

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Michael Patterson was reappointed to a three-year term on the Historic District Commission.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, David Melnick was appointed to fill the unexpired term on the Planning Commission

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Benton Hanan was reappointed and Edward M. Bailey was appointed to three-year terms on the Senior Citizens Commission.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished

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to address the Mayor and Council.

There being no citizens wishing to be heard, the Mayor closed the Citizens' Forum portion of the meeting.

Re: Approval of Minutes

Upon motion of Councilmember Hovsepian, duly seconded, with Mayor Duncan abstaining, the minutes of Meeting No. 51-89 (December 18, 1989) were approved, as written.

Re: Consent Agenda

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- A. To award the bid for the Civic Center Mansion Study to the qualified architectural firm of Kann and Ammon, Inc. who will provide structural, programmatic study and analysis.

The bid amount submitted by Kann and Ammon, Inc. is \$59,300. This project is funded under CIP account #420-900-0B61-0426 in the amount of \$60,000.

- B. Approval of Sole Source Contract for Gypsy Moth Aerial Insecticide Spray Control with East Coast Helicopter, Inc. of Gettysburg, PA in the amount of \$33,000.

East Coast Helicopter was the low bidder and contractor for the 1988 and 1989 project and has agreed to provide the same terms and price per acre for the 1990 contract. Again, the insecticide (B.t.), a natural bacterial micro-organism, will be used which is not harmful to humans, animals, fish and plants. The project budget is \$33,000.

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- C. Adoption of Resolution in support of the 1990 Census.

The year 1990 marks the Bicentennial Census of the United States. Every citizen in Rockville is encouraged to complete a Census form and be counted on April 1, 1990.

- D. Introduction of Ordinance to issue General Obligation bonds in aggregate principal amount not to exceed \$10,000,000.

Re: Motion to approve weapon conversion for the Police Department.

The City Manager reported that many municipalities across the State of Maryland have converted to a different type of weapon. A detailed study conducted by an internal firearms review committee recommended conversion of Police Department service revolvers, with the recommended weapon being a Sig-Sauer P-226. Mr. Romer noted that the focus is on officer safety.

Chief of Police Treschuk described the weapon currently used by the department and stated that, after careful review, it was determined that the semi-automatic is a better weapon. The semi-automatic is more reliable, a better training device and a good weapon for use with multiple assailant problems.

In response to Mayor Duncan's question regarding the selection of the Sig-Sauer P-226, Chief Treschuk noted its safety factors, including an external decocking lever, deliberate pound pressure pull and a passive firing pin insuring that the weapon will not fire unless the trigger is pulled.

As to cost, Chief Treschuk responded that after trade-in of the weapons now in use, the cost would be approximately \$17,500 to which approximately \$13,000 in converted monies can be applied.

Responding to Councilmember Robbins' question, Chief Treschuk stated that the

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Maryland State Police, Howard County, Baltimore County, Cities of Gaithersburg and Takoma Park and the Washington, D.C. Metropolitan Police Departments have all converted and that Montgomery County now has 43 semi-automatic weapons being field-tested.

Chief Treschuk emphasized for Councilmember Coyle that training is the answer to evade accidental shots and responded that citizens in Rockville have asked why the City does not have semi-automatic weapons in use.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the Mayor and Council approved the proposed weapon conversion for the City Police Department, with the additional funding required of approximately \$4,000 to come from the Targets of Opportunity fund.

Re: Consideration of appeal of a decision of the Planning Commission regarding amendment of Use Permit U-440-89, C.M. Whalen, to permit 21 temporary surface parking spaces on the plaza level of the proposed mixed use development.

Mr. Whalen has withdrawn his appeal, and this item was removed from the agenda.

Re: Reconsideration of decision to deny funding for a structural assessment of the Beall-Dawson House.

The Montgomery County Historical Society requests approval of a \$30,000 structural assessment study of the Beall-Dawson House. Lesley van der Lee, Executive Director of the Montgomery County Historical Society, provided the Mayor and Council with four reasons to support their requested reconsideration:

1. The intrinsic value of the project itself which is a comprehensive look at the physical needs of the Complex so that the Historical Society may responsibly plan for its future.

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2. The work undertaken in good faith by the Historical Society, encompassing over 400 hours in preparation for the studies. They worked closely with the Department of Recreation & Parks; drafted the RFP; researched and recommended 23 reputable architectural firms and had major input on the selection committee.

3. The money, time and expertise they have leveraged from other organizations on the City's behalf culminating in \$17,000 in cash and commitments to augment the feasibility studies.

4. The goodwill generated at national, state and local levels. In their leveraging efforts, the Historical Society consulted with over 156 experts from 22 outside agencies and organizations.

Mayor Duncan apologized for the confusion, indicating that the initial decision not to fund was made last June before any activities had taken place. Ms. van der Lee stated that they only found out on November 20 that the project had not been funded while they had worked on it from June 15 through November 20.

In response to Councilmember Coyle's question, the City Manager stated that staff has determined that the project can move forward and that the \$30,000 can be made available now.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, staff was instructed to prepare the necessary documents for Mayor and Council approval of a \$30,000 structural assessment study of the Beall-Dawson House.

Re: Discussion and Instructions
to Staff - Exploratory
Application for Planned
Residential Unit Development,
PRU-18-89, WHM Land
Corporation, Applicant.

Staff noted that the applicant has been very cooperative in working with staff and members of the community and that the project is progressing very smoothly. The Planning Commission recommendations for this project are supported by staff.

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Councilmember Coyle asked if the mix of units is still a problem and was advised that the Planning Commission is recommending some redistribution for a better balance but that the developer will have latitude in terms of quantity.

Stephen Orens, attorney for the applicant, expressed concern with condition #4 of the Planning Commission, requiring redistribution of unit types, and requested that the condition not be imposed by the Mayor and Council. He noted that their primary concern is to maintain flexibility and that he feels such a condition is inappropriate at the exploratory application stage.

Councilmember Marrinan referenced the letter from Montgomery County Public Schools recommending only one pathway along Falls Road allowing access from the site to Julius West, noting that the conditions do not address this issue. Staff responded that there is no specific connection to the school site other than from Falls Road in the proposed plan and further commented that it is a point of safety for the school to limit ingress and egress. Staff further indicated that this item can be deferred for discussion rather than locked in at the exploratory stage and that the Board of Education will receive a copy of the detailed application for review.

Regarding modified condition #5 of the Planning Commission which reflects an amendment to the exploratory application in which the extreme western area of the property would be designated a tree preservation area, Mr. Orens believes this is unnecessary as a condition. He asked that conditions 4 and 5 be removed.

When the Roxboro residents testified at the public hearing, Councilmember Hovsepian noted their suggestions for a hiker/biker trail and asked if this should be considered as part of the application. Mr. Orens responded that it need not be a condition; when the detailed application is prepared, a pathway from Roxboro and a connection at either Falls Road or the school property will be considered. The tree preservation in the western portion of the property will facilitate establishment of the pathway system.

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Upon motion of Councilmember Coyle, duly seconded and unanimously passed, staff was instructed to prepare Exploratory Application PRU-18-89, WHM Land Corporation, Applicant, for approval, subject to the following conditions:

1. That the applicant dedicate sufficient property for an 80 foot right-of-way on Great Falls Road between the limit of the State Highway Administration work at Julius West Middle School to northern point acceptable to the State Highway Administration to include 36 feet of paved road (with a northbound left-turn lane and a southbound right-turn lane), bikepath and sidewalk and street trees on both sides to be designed and constructed by the applicant;
2. That the roadway through the development be built to public residential street standards and that the paved area be dedicated as a public right-of-way from end to end. Sidewalks, curbs, gutters, tree planting areas and cul-de-sacs off this main road may be privately owned and maintained but also must be designed to City standards;
3. That additional noise mitigation measures be provided including landscaped berms and that consideration be given to a revised orientation of houses;
4. That standard single family housing or open space be located on the extreme western edge next to the Roxboro neighborhood;
5. That the majority of townhouse units be located away from extreme western edge for more efficient site circulation;
6. That an alternate emergency access route for fire and rescue vehicles be provided through the Chestnut Lodge property at a location to be determined during the Planning Commission's review of the detailed application; provided, however, that such emergency access route shall not be through either Bullard's Park or the Roxboro neighborhood.
7. That on-site and off-site recreational packages be provided including passive recreation, play areas, tennis courts (and the like), a biker/pedestrian path extending from one end of the development to the other and that the feasibility of a ball

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field be considered;

8. That alternatives such as dry ponds with extended detention or an expansion of wetlands be seriously considered to replace the proposed wet ponds for stormwater management, subject to the approval of the Department of Public Works;

9. That one stormwater management facility be expanded to include off-site capacity, subject to the approval of the Department of Public Works;

10. That the landscape plan to be submitted with the detailed application include a detailed tree preservation plan showing the boundaries of the climax forest, located between Bullard's Park and the Chestnut Lodge tree nursery on the western edge of the subject property, that is to be preserved for its important mature hardwood trees, its function as wildlife habitat and for the benefit and enjoyment of the community. If this area is retained by the homeowners association, it shall be protected with a conservation easement.

11. That the following will be the minimum development standards for the development:

A. Single family detached (standard)

Minimum lot size: 6,000 square feet

Setbacks: same as standard R-60 development standards

B. Single family detached (zero-lot-line)

Average lot size: 4,000 square feet

Setbacks: to be determined at the detailed application stage

Minimum lot width: 50 feet

C. Single family attached (townhouse)

Minimum lot size: 1,300 square feet

Setbacks: None, but 20-foot privacy yard required

Required parking: 2 spaces per unit; and

12. That any development standards not specifically waived or modified for

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this development by the Mayor and Council will follow the standards as set forth in the Zoning Ordinance for R-60 single family detached development.

Staff was instructed to work out a long-term lease with the Bullard family for Bullard's Park. Councilmember Coyle also urged discussions with the Board of Education regarding an access to Julius West other than from Falls Road.

Councilmember Hovsepian requested better information as to the recommendations regarding wet ponds and dry ponds in the application and indicated that she had wished there could have been more of a variety of housing offered.

Re: Presentation on results of
City-wide space needs study.

The City has retained an architectural consultant to examine the current and future space needs in City facilities. The City Manager provided a briefing on the City Hall space study and introduced the two architects involved in the project, Ed Masek and Kevin Langdon. A short videotape was shown to the Mayor and Council illustrating some of the critical space problems.

The City Manager advised that Phase I has been completed and they are ready to enter into Phase II of the study. A three page summary of major points of the Phase I study has been transmitted. At the time of the last study in the early 80s, decisions were made to house the existing work force. At that time, operations were scattered around town, and the size of the building was just enough to accommodate the work force. The City Manager urged that the same mistake not be made again. An additional 40,000 square feet is required to plan adequately for the future. Phase II of the study represents a final quantification and identification of the City's space needs. City Hall cannot be added to immediately or expanded; however, new construction can be done on site. Phase II will detail pros and cons, and staff recommends that it also include an investigation of additional sites. Phase II has been funded and authorized, and the next report will come back with the pros and cons of this site versus other sites.

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Councilmember Robbins asked that if Phase II is initiated, would that mean that the numbers defined in Phase I are accepted. The City Manager responded that the numbers would be used in developing pros and cons; the function of the numbers is to provide a baseline against which you would attach construction costs. Councilmember Robbins also asked if the 10 year projection shows continuous steady growth in employees. Mr. Romer responded that each department was asked to plan for incremental growth over the next 10 years. Discussion followed regarding centralization versus decentralization, and Mr. Romer indicated that he is working under the assumption of a centralization policy.

Councilmember Coyle referenced the goals and objectives of the study, indicating that the number one objective should be to provide better service to the community. He also noted a couple of matters for consideration, i.e., the changing work environment and home-based employment. He suggested that hours of work be explored more fully and shift work investigated; that these are options which should be looked at before any capital is invested.

Councilmember Hovsepian emphasized that if we want better services, we sometimes have to add employees. A major concern is efficient storage and retrieval of information for citizens. She felt that how the space is used should be studied.

Assuming the City proceeds with Phase II, Councilmember Marrinan requested information regarding the timeline and when the Mayor and Council would have to make budgetary recommendations. The City Manager stated that the product of Phase II will allow the Mayor and Council to make decisions by a quantification of needs and arraying over a couple of buildings and that it could have a budgetary impact for FY1991. The alternatives may vary widely by dollar amounts.

In discussing long-term policies, Councilmember Robbins indicated that any Phase II study should incorporate the recommendations of the Mayor and Council.

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The City Manager stated that there is a limit of land use intensity on the current site which would necessitate structured parking and the removal of a large number of mature trees.

Mayor Duncan asked what level of employee the GSA standard of 135 square feet per employee corresponded to. Ed Masek responded that they needed a benchmark, and the GSA standard is what they use when they go out to lease buildings. This benchmark is an average to bring departments up to a reasonable level and add necessary support areas.

Mayor Duncan requested a breakdown of what makes up the recommended square footage, including number of employees and workstations, conference room space and other spatial requirements.

The Mayor and Council decided to hold a worksession on the space study in order to give direction to the Phase II process. It was agreed that the worksession would be held on the evening of February 6.

Re: FYI/Correspondence

Councilmember Coyle referenced Item No. 6, Tower Oaks Lake Development, indicating that it wasn't clear what the impact would be and if there would be any further delays. According to the City Manager, this information represents a milestone and should be considered good news.

Regarding Item No. 13, the Affirmative Action Plan, Mayor Duncan stated that he was sorry he wasn't at the last meeting when the extension was granted. The City Manager responded that staff had been directed to come back in six months, and, after careful review, came to the same conclusion as six months ago, that a 12-month period would be appropriate to develop the data required to support an Affirmative Action Plan. Discussion followed regarding the 33 positions filled during the six-month period and how they were advertised.

Mayor Duncan requested a list of City job classifications per EEOC description of job categories and asked for clarification as to how many vacancies there were in the

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six-month period; how many classifications they entailed; how many were advertised outside and the percentage of City workforce represented. He stated that he doesn't see how another few months will provide additional information.

Councilmember Coyle questioned whether the City is developing an Affirmative Action Plan to recruit and promote pursuant to the EEOC guidelines or implementing an Affirmative Action target plan which indicates admission of past discriminatory practices. The City Attorney advised that the City is under no legal requirement to implement an Affirmative Action Plan and feels there has been no past discrimination in the City. The purpose of the Plan is merely to insure a balance between the number and types of minorities hired consistent with the labor market area from which the City draws.

Councilmember Coyle asked if this raises expectations that there is a bottom line targeting of jobs. Councilmember Robbins stated that the City has not implemented the traditional notion of an Affirmative Action Plan. The City Attorney indicated that a statistical database must be developed but that the initiatives are voluntary. In response to Councilmember Coyle's statement that he is not comfortable calling the program an "Affirmative Action Plan," the City Attorney indicated that there are different types of Affirmative Action Plans.

Mayor Duncan stated that they were looking to define the labor market to determine where a manifest imbalance exists, and that the labor market has been defined, that is, Montgomery County.

Councilmember Hovsepian stated that one of the reasons for the extension was that the number of upper level positions filled during the six-month period was low and that there are now some upper level positions vacant for which the City is going outside of Montgomery County to recruit. The City Manager confirmed that they are currently recruiting for two department head positions and other mid-level managers which is one of the reasons why another six months would provide additional data.

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It was agreed that on February 12, a nine month report would be presented. Additionally, a listing of job categories by EEOC type and a listing of positions advertised outside by EEOC categories would be provided.

With respect to the letter regarding the Mental Health Association on Twinbrook Parkway, in response to Councilmember Coyle, the City Manager noted that a letter has been sent to Ms. Murphy and that the City complied with her request.

Re: New Business

Councilmember Hovsepian noted the memorandum from the City Manager regarding recognition of the Council of Governments. She requested that within the body of the resolution that there be an identification of a number of the benefits which have accrued to the City of Rockville by virtue of their membership with the Council of Governments. Mayor Duncan noted that something will be given to them to hang in their new offices. Councilmember Marrinan commented that he had visited COG's new offices early last week.

Mr. Romer reminded the Mayor and Council that the Martin Luther King, Jr. Birthday Celebration would be held on Monday, January 15, at noon at the F. Scott Fitzgerald Theatre.

Resolution No. 02-90

The City Attorney presented the Mayor and Council with a resolution to extend the time for decision on Street Closing and Abandonment Application SCA-59-89, Holladay-Tyler Corp., Applicant.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the time within which action must be taken on Street Closing and Abandonment Application No. SCA-59-89 was extended until February 12, 1990.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Resolution No. 02-90, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted to extend the time for decision in Street Closing and Abandonment Application No. SCA-59-89, Holladay-Tyler Corp., Applicant.

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Re: Worksession - Drugs in Rockville

At 10:10 p.m., the Mayor and Council convened in Worksession in the City Manager's Conference Room to discuss anti-drug initiatives.

Mayor Duncan opened the worksession indicating that there were recommendations from citizens as well as questions from the Council emanating from the drug briefing held on December 18.

Following discussion regarding use of "drug free zone" signs at sites other than schools, staff was requested to write a letter to State Senator Frank Shore asking that the City's parks be included in legislation to designate state parks "drug free zones."

Chief of Police Treschuk stated that the Police Department is following up on initiatives set forth at the drug briefing and that the work schedule is being changed to a more flexible one which would result in coverage in the Lincoln Park community 20 out of 24 hours. Chief Treschuk also indicated that there will be four police officers assigned to Lincoln Park and the teams will be strengthened, providing the capability of high impact policing.

In response to Mayor Duncan's question regarding the difference in the drug problem with the elimination of outside drug traffickers, Chief Treschuk indicated that there is a rededication of community commitment and a neighborhood-oriented approach.

Discussion ensued regarding the issue of lack of treatment centers; joint City-County police patrols; unified dispatch; and coverage of the Lincoln Park substation. The Mayor and Council will be provided with a report regarding options and costs for more coverage of the Lincoln Park substation.

There was further discussion concerning whether physical improvements, such as a fence around Johnny's Grocery, would facilitate drug enforcement efforts. Adequate staff and proper staff training to respond to the needs of the community was also addressed.

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Staff indicated that regular reports regarding the issue of drugs in Rockville will be provided to the Mayor and Council.

Re: Executive Session to discuss
land disposition matters

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the Mayor and Council convened in Executive Session at 11:00 p.m. to discuss land disposition matters.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 11:48 p.m., to convene again in Worksession at 5:30 p.m. on January 15, 1990, or at the call of the Mayor.